

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

FIREMAN'S FUND INSURANCE
COMPANY, as subrogee of
EMPRESS INTERNATIONAL LTD.,

Plaintiff,

- against -

FMI INTERNATIONAL OF NEW JERSEY
LLC d/b/a FMI INTERNATIONAL LLC,
FMI TRUCKING, INC. and FMI
EXPRESS CORP.,

Defendants.

- - - - -X

CEDARBAUM, J.

Whereas, the defendants have filed bankruptcy petitions in the Bankruptcy Court for the District of New Jersey and the plaintiff has filed proofs of claim in that Bankruptcy Court, this action cannot proceed and will be determined by the Bankruptcy Court. Therefore, this action is dismissed with the consent of the parties.

SO ORDERED.

Dated: New York, New York
March 27, 2008

5/

MIRIAM GOLDMAN CEDARBAUM
United States District Judge

